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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,055	03/12/2004	Ke-Chi Jang	NRT.0118US (15982RRUS02U)	8576
21906 7590 06/19/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER DESIR, PIERRE LOUIS	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 06/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,055	Applicant(s) JANG ET AL.	
	Examiner Pierre-Louis Desir	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-9,11-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9,11-23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-5, 7-9, 11-23, and 25-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 18-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claim reads, "an article comprising...", which is a nonfunctional descriptive material, and does not define any structural and functional interrelationships between the claimed elements which permit functionality to be realized.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 11, 13, 15-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Arcens, Pub. No. US 20040176104.

Regarding claim 1, Arcens discloses a method of performing a location service with respect to a mobile station (see abstract), comprising: communicating, to the mobile station a paging message containing an indication of whether the paging message is related to at least one of an emergency-related location service and a law enforcement-related location service, the indication having a first state to indicate that the paging message is related to at least one of the emergency-related location service and the law enforcement-related location service (i.e., in fig. 1, Arcens discloses that the mobile station comprises a user interface, a wireless network communication module, a local communication module, and a privacy engine 120 (see fig. 1). In fig. 2a, Arcens discloses that the privacy engine 120 receives a position request. The position request data may comprise requestor category (e.g.) emergency service, commercial service, individual person (i.e., see fig. 1, paragraphs 21, 41, and 46-47); and receiving information regarding the location of the mobile station (i.e., for an emergency service request, position data is returned to the requester as expeditiously as possible) (see paragraphs 46-47, and 67).

Regarding claim 11, Arcens discloses a method (see claim 1 rejection) further comprising sending a position determination data message (PDDM) containing an indication of whether the PDDM is related to at least one of an emergency-related location service and a law enforcement-related location service (i.e., as described in claim 1 rejection, the privacy engine of the mobile station receives a request for location request (i.e., a request for location/position determination), which request contains an indicator of the requester, i.e., emergency service.

Such request is a message to the mobile station requesting position/location information or data (i.e., PDDM)) (see fig. 2a, paragraphs 41, 46-47).

Regarding claim 13, Arcens discloses a method (see claim 11 rejection) further comprising: receiving a position request containing a field indicating whether the position request is related to at least one of the emergency-related location service and the law enforcement-related location service (i.e., as described above in the rejection of claim 1, the position request may comprise requestor category (i.e., emergency service, commercial service) (i.e., see paragraph 41); and setting a state of the indication in the PDDM based on a state of the field in the position request (i.e., the position request comprises the requestor category. Thus, the state of the field in the position request is set to indicate that the position request message is from an emergency service to allow overriding of the privacy profile) (see fig. 2a, paragraphs 41, 46-47).

Regarding claim 15, Arcens discloses a method comprising: receiving a paging message by a mobile station that is not on a traffic channel and that is configured to accept an emergency-related location service or a law enforcement-related location service (i.e., element 202 in fig. 2a represents a state during which the privacy engine 120 awaits reception of a request for location data information (i.e., a position request). At step 204, the privacy engine receives a position request. At step 212, the position request data are evaluated to determine whether the position request is an emergency service request. In accordance with usual statutory requirements, an emergency service request shall override the privacy policy) (see paragraphs 41, 46-47), but not a value-added service location service (i.e., the request is denied because the requestor is a commercial entity) (see paragraph 48), the paging message containing an indication that the

paging message is related to at least one of the emergency-related location service and the law enforcement-related service (i.e., the position request data may comprise of requestor category, i.e., emergency service) (see paragraph 41); and the mobile station responding to the paging message by sending a page response indicating acceptance of a location service-related service option specified in the paging message (i.e., position data is returned to the requestor. Thus, since Emergency position can override the privacy policy, a return of position data indicates is a response to the request) (see paragraphs 46-47).

Regarding claim 16, Arcens discloses a method (see claim 15 rejection) further comprising the mobile station determining, by examining the paging message, that the location service-related service option requested in the paging message should be accepted, based on association of the paging message with either an emergency-related location service or a law enforcement-related location service the position request data are evaluated to determine whether the position request is an emergency service request. In accordance with usual statutory requirements, an emergency service request shall override the privacy policy) (see paragraphs 41, 46-47).

Regarding claim 17, Arcens discloses a method (see claim 15 rejection) further comprising: the mobile station communicating position determination data messages (PDDMs) on the traffic channel with a position determination entity (PDE) (see paragraph 61); the mobile station determining whether one or more received PDDMs are related to the emergency-related location service or law enforcement-related location service (see paragraphs 41, 46-47, and 61); and in response to determining that the one or more received PDDMs are related to the emergency-related location service or law enforcement-related location service, the mobile

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station accepting request elements in the one or more received PDDMs (i.e., position data is returned to the requestor. Thus, the return of position data to the requestor indicates acceptance of the request) (see paragraphs 46-47, 61, and 67).

Note: As specified above, claims 18-21 are directed to non-statutory subject matter.

Regarding claim 18, Arcens discloses a mobile station comprising a storage medium (see fig. 1) containing instructions that when executed cause a mobile station in a wireless communications network to receive messaging to cause the mobile station to move to a traffic channel in response to a callback by at least one of an emergency services entity and a law enforcement entity (i.e., element 202 in fig. 2a represents a state during which the privacy engine 120 awaits reception of a request for location data information (i.e., a position request). At step 204, the privacy engine receives a position request. At step 212, the position request data are evaluated to determine whether the position request is an emergency service request. In accordance with usual statutory requirements, an emergency service request shall override the privacy policy) (see paragraphs 41, 46-47); receive a location request on the traffic channel containing an indication of that the location request is related to at least one of an emergency-related location service and a law enforcement-related location service (see paragraphs 41, 46-47); and send location information of the mobile station in response to the location request (i.e., position data is returned to the requestor. Thus, the return of position data to the requestor indicates acceptance of the request) (see paragraphs 46-47, 61, and 67).

Regarding claim 19, Arcens discloses a mobile station (see claim 18 rejection) wherein receiving the location request comprises receiving a position determination data message (PDDM) containing the indication (i.e., as described in claim 1 rejection, the privacy engine of

the mobile station receives a request for location request (i.e., a request for location/position determination), which request contains an indicator of the requester, i.e., emergency service. Such request is a message to the mobile station requesting position/location information or data (i.e., PDDM)) (see fig. 2a, paragraphs 41, 46-47).

Regarding claim 20, Arcens discloses a mobile station (see claim 18 rejection) wherein the mobile station has been configured to accept an emergency-related location service or a law enforcement-related location service (i.e., element 202 in fig. 2a represents a state during which the privacy engine 120 awaits reception of a request for location data information (i.e., a position request). At step 204, the privacy engine receives a position request. At step 212, the position request data are evaluated to determine whether the position request is an emergency service request. In accordance with usual statutory requirements, an emergency service request shall override the privacy policy) (see paragraphs 41, 46-47), but not a value-added service location service (i.e., the request is denied because the requestor is a commercial entity) (see paragraph 48), the instructions when executed causing the mobile station to determine whether to accept the location request based on the indication contained in the location request (i.e., the position request data may comprise of requestor category, i.e., emergency service) (see paragraph 41), wherein sending the location information is performed in response to determining that the location request is to be accepted (i.e., position data is returned to the requestor. Thus, since Emergency position can override the privacy policy, a return of position data indicates is a response to the request) (see paragraphs 46-47).

Regarding claim 21, Arcens discloses an article (see claim 18 rejection) wherein the instructions when executed cause the mobile station to further: receive a page from a base station

(i.e., Location Request Applications 108 is coupled, via the external data network 110 and the Wireless Network Communication Module 112, to receive and transmit data to the Privacy Engine 120) (see paragraphs 30 and 41), the page containing an indication that the page is associated with at least one of an emergency-related location service and a law enforcement-related location service (i.e., the position request data may comprise of requestor category, i.e., emergency service) (see paragraph 41); and respond to the page by accepting a service option of the page based on the indication (i.e., position data is returned to the requestor. Thus, since Emergency position can override the privacy policy, a return of position data indicates is a response to the request) (see paragraphs 46-47).

Regarding claim 22, Arcens discloses a system comprising: an interface (i.e., Location Request Application 108) (see fig. 1) to communicate a paging message to a mobile station (i.e., transmission of a location request) (see fig. 2a, paragraph 41); and a controller (inherent) to set an indication in the paging message for indicating that the paging message is related to at least one of an emergency-related service and a law enforcement-related location service (i.e., the position request data may comprise of requestor category, i.e., emergency service) (see paragraph 41).

Regarding claim 23, Arcens discloses a system (see claim 22 rejection) wherein the controller is adapted to send the paging message to the mobile station in response to an idle-mode query initiated by an emergency services entity to the mobile station i.e., element 202 in fig. 2a represents a state during which the privacy engine 120 awaits reception of a request for location data information (i.e., a position request). At step 204, the privacy engine receives a position request. At step 212, the position request data are evaluated to determine whether the

position request is an emergency service request. In accordance with usual statutory requirements, an emergency service request shall override the privacy policy) (see paragraphs 41, 46-47).

Regarding claim 25, Arcens discloses a system (see claim 22 rejection) comprising a base station including the interface and controller (i.e., the external data networks which may be a wireless service provider inherently comprises of an interface and a controller) (see fig. 1, paragraph 30), wherein the paging message comprises a page from the base station to the mobile station (see fig. 1, paragraphs 30 and 41).

Regarding claim 26, Arcens discloses a system (see claim 22 rejection) wherein the controller is adapted to send data over a traffic channel, the data comprising a position determination data message (PDDM) containing an indication of whether the PDDM is related to emergency services (see paragraphs 41, 46, 47).

Regarding claim 27, Arcens discloses a mobile station (see fig. 1) comprising: an interface to receive a page containing an indication of whether the page is related to at least one of an emergency-related location service and a law enforcement-related location service (i.e., element 202 in fig. 2a represents a state during which the privacy engine 120 awaits reception of a request for location data information (i.e., a position request). At step 204, the privacy engine receives a position request. At step 212, the position request data are evaluated to determine whether the position request is an emergency service request. In accordance with usual statutory requirements, an emergency service request shall override the privacy policy. The position data message comprises of the requestor category, i.e., emergency service) (see paragraphs 41, 46-47); and a controller (i.e., mobile station inherently comprises of a processor or controller) to

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respond to the page based on the indication (i.e., position data is returned to the requestor. Thus, since Emergency position can override the privacy policy, a return of position data indicates is a response to the request) (see paragraphs 46-47) (see figs. 1, 2a, and paragraphs 46-47, and 67).

Regarding claim 28, Arcens discloses a mobile station (see claim 27 rejection) wherein the mobile station is configured to accept a service option specified by a page relating to an emergency-related location service or a law enforcement-related location service (i.e., element 202 in fig. 2a represents a state during which the privacy engine 120 awaits reception of a request for location data information (i.e., a position request). At step 204, the privacy engine receives a position request. At step 212, the position request data are evaluated to determine whether the position request is an emergency service request. In accordance with usual statutory requirements, an emergency service request shall override the privacy policy) (see paragraphs 41, 46-47), but not to accept another service option specified by a page relating to a value-added location service (i.e., the request is denied because the requestor is a commercial entity) (see paragraph 48), the controller to accept the received page in response to the indication indicating that the page is related to the emergency-related location service or law enforcement-related location service (i.e., position data is returned to the requestor. Thus, the return of position data to the requestor indicates acceptance of the request) (see paragraphs 46-47, 61, and 67).

Regarding claim 29, Arcens discloses a mobile station (see claim 28 rejection) wherein the received page contains a first information element to indicate that the page is location-related (i.e., i.e., a position data request) (i.e., see paragraph 41), and a second information element to indicate that the page relates to an emergency service or a law enforcement service (i.e., the

position request data may comprise the requestor category, i.e., emergency service) (see paragraph 41).

Regarding claim 30, Arcens discloses a mobile station (see claim 27 rejection) comprising one of a mobile phone, a portable computer with a wireless modem, a wireless-enabled personal digital assistant (PDAs), and a global positioning system (GPS) device (i.e., mobile station) (see fig. 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcens in view of Havinis et al. (Havinis) U.S. Patent No. 6195557.

Regarding claim 8, Arcens discloses a method of performing a location service with respect to a mobile station (see abstract), comprising: communicating a paging message in a mobile communications network containing an indication of whether the paging message is related to at least one of an emergency-related location service and a law enforcement-related location service (i.e., in fig. 1, Arcens discloses that the mobile station comprises a user interface, a wireless network communication module, a local communication module, and a privacy engine 120 (see fig. 1). In fig. 2a, Arcens discloses that the privacy engine 120 receives a

position request. The position request data may comprise requestor category (e.g.) emergency service, commercial service. As can be seen in fig. 1, the Location Request Application transmits and receives data to the mobile station via the external data network which may be a wireless service provider) (i.e., see fig. 1, paragraphs 21, 41, and 46-47); communicating information regarding the location of the mobile station (i.e., position data is returned to the requestor) (see paragraphs 46-47, 61, and 67); the wireless external data network receiving a position request containing a field indicating whether the position request is related to at least one of the emergency-related location service and the law enforcement-related location service (as stated above and shown in fig. 1, the Location request Application receives and transmits data to the mobile station via the external data network which may be a wireless service provider, and the position data request that is transmitted from the Location request Application comprises the requestor category (i.e., emergency service) which indicates the type of service) (see fig. 1, paragraphs 30 and 41) ; setting a state of the indication in the paging request based on the field contained in the position request (i.e., the position request comprises the requestor category. Thus, the state of the field in the position request is set to indicate that the position request message is from an emergency service to allow overriding of the privacy profile) (see fig. 2a, paragraphs 41, 46-47).

Although Arcens discloses a method as described above, Arcens does not specifically disclose a method wherein communicating the paging message comprises sending a paging request from a mobile switching center to a base station.

However, Havinis II discloses a method wherein communicating the paging message comprises sending a paging request containing the indication from a mobile switching center to a base station (see col. 6, line 62-to col. 7, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to accurately determine the location of the MS.

Regarding claim 7, Arcens discloses a method as described above (see claim 8 rejection).

Although Arcens discloses a method as described, Arcens does not specifically disclose a method comprising sending the paging request comprises sending an IS-2001 paging request.

However, Havinis discloses a method comprising sending a paging request from a MSC to a base station (see fig. 7, col. 8, lines 36-37). Furthermore, Applicant has not disclosed that having a paging request comprising an IS-2001 paging request solves or accomplishes any stated problem. Moreover, it appears that the paging request disclosed by Havinis would have been sent to the base station whether or not the paging request comprises was an IS-2001 paging request.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have considered that the paging request disclosed by Havinis comprising an IS-2001 paging request because such consideration would have been perceived as a mere consideration which fails to patentably distinguish over the prior arts of Arcens and Havnis.

9. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcens.

Regarding claim 3, Havinis discloses a method as described above (see claim 2 rejection).

Although Arcens discloses a method as described, Arcens does not specifically disclose wherein communicating the page containing the indication comprises sending one of a general page message (GPM) containing the indication and a universal page message (UPM) containing the indication.

However, Arcens discloses a method wherein element 202 in fig. 2a represents a state during which the privacy engine 120 awaits reception of a request for location data information (i.e., a position request). At step 204, the privacy engine receives a position request. At step 212, the position request data are evaluated to determine whether the position request is an emergency service request. In accordance with usual statutory requirements, an emergency service request shall override the privacy policy (see paragraphs 41, 46-47). Arcens also discloses that the Location Request Application is coupled to the external data networks (i.e., wireless service provider or internet service provider) to transmit and receive data to the privacy engine. Thus, one skilled in the art would unhesitatingly conceptualize that a paging message is sent to the mobile station. Furthermore, Applicant has not disclosed that having a page comprising of a general page message or a universal page message solves or accomplishes any stated problem.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the page disclosed by Havinis such that the page could comprise a universal page message or General page message because such modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Havinis.

Regarding claim 4, Arcens discloses a method (see claim 3 above) wherein sending the page comprises sending the page containing a first information element to identify service option 35 or service option 36 (i.e., position request data) (see figs. 1, 2, and paragraphs 41) and a second information element to indicate whether the page is related to the emergency-related location service or law enforcement-related location service (i.e., the position request data may comprise the requestor category, i.e., emergency service) (see paragraph 41).

Regarding claim 5, Havinis discloses a method (see claim 4 rejection) further comprising a base station (i.e., external data network which may be a wireless service provider or internet service provider. As known in the art a wireless service provider is a company that offers transmission services to users of wireless devices (handheld computers and telephones) through radio frequency (RF) signals. Generally, a WSP offers either cellular telephone service, personal communication service (PCS) service, or both. Thus, one skilled in the art would unhesitatingly conceptualize that a wireless service provider comprises a base station) (see paragraph 22) setting a state of the second information element based on a state of a field in a paging request from a mobile switching center indicating whether the paging request is related to the emergency-related location service or the law enforcement-related service (i.e., the position request comprises the requestor category. Thus, the state of the field in the position request is set to indicate that the position request message is from an emergency service to allow overriding of the privacy profile) (see fig. 2a, paragraphs 30, 41, 46-47).

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arcens and Havinis, further in view of Applicant's admitted prior art (Admission), Pub. No. US 20040180655.

Arcens discloses a method comprising receiving position request containing a field indicating whether the position request is related to at least one of emergency-related location service and law enforcement-related location service (see paragraphs 41, 46-47).

Although Arcens discloses a method as described above, Arcens does not specifically disclose a method wherein the receiving the position request comprises receiving an InterSystemPositionRequest INVOKE (ISPOSREQ) message containing a CTYP field.

However, Applicant's admitted prior art (admission) discloses standards wherein the MSC may receive the InterSystemPositionRequest INVOKE (ISPOSREQ) message, which may contain a CTYP field (see admission page 1, paragraph 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a received position request, which comprises receiving InterSystemPositionRequest INVOKE (ISPOSREQ) that contains a CTYP field to better categorized the Location Request Application.

11. Claims 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcens in view of Applicant's admitted prior art (Admission).

Regarding claim 12, Havinis discloses a method as described above (see claim 11 rejection).

Although Arcens discloses a method as described, Arcens does not specifically disclose a method wherein sending the PDDM message comprises sending a TIA/EIA/IS-801 PDDM message.

However, Applicant's admitted prior art (admission) discloses that the TIA/EIA/IS-801 standard defines protocol messaging conveyed between the mobile station and the PDE that includes positioning determination data messages (see admission page 1, paragraph 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to send a location determination message that comprises sending an TIA/EIA/IS-801 message to better categorized the Location Request Application. Also, Applicant has not disclosed that sending a message comprising an TIA/EIA/IS-801 PDDM message solves or accomplishes any stated problem. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have considered that sending a location determination message that comprises sending an TIA/EIA/IS-801 message because such request message would have been a mere design consideration which fails to patentably distinguish over the prior art of Arcens.

Regarding claim 14, Arcens discloses a method comprising receiving position request containing a field (see claim 13 rejection).

Although Arcens discloses a method as described above, Arcens does not specifically disclose a method wherein receiving the position request containing the field comprises receiving a GeoPositionRequest INVOKE (GPOSREQ) message containing a CTYP field.

However, Applicant's admitted prior art (admission) discloses a method wherein receiving the position request containing the field comprises receiving a message containing a

CTYP field (see page 1, paragraph 6). Also, applicant has not disclosed that having a receiving position request comprising receiving a GeoPositionRequest INVOKE (GPOSREQ) message solves or accomplishes any stated problem. Moreover, it appears that the request message disclosed by Havinis would have been received whether or not the received message comprises a GeoPositionRequest INVOKE (GPOSREQ) message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to consider sending a position request message comprising a GeoPositionRequest INVOKE (GPOSREQ) message because such sending request message would have been a mere design consideration which fails to patentably distinguish over the prior art of Arcens.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Louis Desir
06/06/2007

JEAN GELIN
PRIMARY EXAMINER

